



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/800,450

03/15/2004

Emmanuel Hadji

33019US1

1230

116

7590

02/08/2005

PEARNE & GORDON LLP
1801 EAST 9TH STREET
SUITE 1200
CLEVELAND, OH 44114-3108

EXAMINER

LUU, CHUONG A

ART UNIT

PAPER NUMBER

2818

DATE MAILED: 02/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

AK

Office Action Summary	Application No. 10/800,450	Applicant(s) HADJI ET AL.	
	Examiner Chuong A. Luu	Art Unit 2818	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claims 1-15 have been considered but are moot in view of the new ground(s) of rejection.

PRIOR ART REJECTION

Statutory Basis

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

The Rejections

Claims 1-2 and 4 are rejected under 35 U.S.C. 102(e) as being anticipated by Biasse et al (5,993,677).

As to claims 1-2, Biasse discloses a process, wherein molecular bonding of a silicon block (120) having a surface layer (124) delimited by a cleavage area (126) substantially parallel to its surface and the silicon block being covered by silicon oxide layer (112) brought into contact with a support layer (132) (see column 3, lines 14-17 and column 4, lines 38-54);

Biasse teaches cleavage of the silicon block along the cleavage area to detach the surface layer fixed to the support (see column 4, lines 55-62. Figures 9-10);

Biasse teaches that an etching process is to eliminate or thinning the surface layer in order to have a desired thickness (see column 5, lines 9-11);

As to claim 2, Biasse inherently teaches that the thickness of the surface layer is greater than the desired thickness because after cleavage, an etching is performed for thinning to a desired thickness.

As to claim 4, Biasse teaches that the cleavage zone is formed using hydrogen implantation (see column 3, lines 18-23).

Statutory Basis

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

The Rejections

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Biasse et al (5,993,677) in view of Ohmura et al (4,848,272).

Biasse discusses above in the paragraph 4 but fail to disclose to increase the thickness by crystalline growth. It would have been obvious to one skilled in the art to increase the thickness if the thickness is less than the predetermined thickness and furthermore, crystalline growth is conventional technique to form an epitaxial layer on a silicon substrate as supported by Ohmura. Ohmura teaches that crystalline growth is conventional to provide a high quality thin film having uniform thickness over a semiconductor substrate (see column 1, lines 10-14 and column 2, lines 3-7).

Claims 5-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ramdani et al (5,835,521) in view of Biasse et al (5,993,677).

Ramdani discloses a bragg mirror structure (10) including alternating layers of silicon oxide and a silicon material utilizing epitaxial growth technique and /or wafer bonding, wherein the alternating silicon oxide and silicon layers inherently includes the optical property such as the optical thickness of the alternating layers (see column 3, lines 17-25);

As to claim 6, Ramdani teaches that silicon oxide layer is formed by standard epitaxial growth technique including CVD or PECVD technique (see column 3, lines 18-25);

Ramdani also discloses that an optical component is formed by fabricating a vertical cavity surface emitting laser or active region on the bragg mirror (see column 3, lines 9-55);

Ramdani also teaches that a second mirror (42) is disposed over the active region (see column 6, lines 4-24);

Ramdani fails to teach the formation of silicon layer as the context of claim 1 namely bonding a silicon block with a support, cleaving the silicon block and thinning the surface layer to a desired thickness. However, Biasse discusses in the paragraph 4 above in order to efficiently form a silicon layer with a desired thickness. Therefore, it would have been obvious to one skilled in the art at the time of claimed invention to combine Biasse 's teaching into Ramdani 's process for easily providing a predetermined thickness of the silicon layer as taught by Biasse.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chuong A. Luu whose telephone number is (571) 272-1902. The examiner can normally be reached on M-F (6:15-2:45).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David C. Nelms can be reached on (571) 272-1787. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Chuong Anh Luu
Examiner
February 5, 2005